

Application No.: 09/833452  
Docket No.: AD6728USNA

### REMARKS

Claims 1, 3, 6, 43, 54-57, 60-61, 64, 66-67, 73-74, and 83-84 were rejected under 35 USC 102(b) over Fanselow because the examiner reasoned, Office Action, page 5, paragraph 6, that the second coextruded layer is drafted with the open transitional term "comprising". Applicants have amended the transitional term to "consisting of". As such, Fanselow and Mientus no longer read on the claims.

As previously discussed, Fanselow discloses a core layer of soft polymer including blends with ionomer *sandwiched* between outer and inside layers wherein the inside layer is an ionomeric copolymer. The claimed invention distinguishes over Fanselow in that the first coextruded layer in claim 1 is a surface layer, not the core layer disclosed in Fanselow. That is, the first coextruded layer is not "*sandwiched*" between other layers.

The examiner noted in the Office Action, citing Example 18 of Fanselow, the trilayer film (in Fanselow comprises an *inside* layer of SURLYN, *a core layer comprising a SURLYN/EMAC blend*, and an *outer* layer of EMAC (*italics applicants'*). That is, the core layer disclosed in Fanselow is not a surface layer.

Claims 1, 3, 43, 56, 60, 64, 66, 73, 77, and 83-84 were rejected under 35 USC 102(e) over Mientus. The examiner reasoned that Mientus discloses multilayer film comprising a thermoplastic *core* layer having a first side and a second side, the core layer . . . comprising a polyolefin, a second polymer selected from ionomers.

In Mientus, the core layer is reference numeral 16 and the first side (one of the skin layers) 18 and the second side (the other skin layer). The core layer is "sandwiched" between the two skin layers and is not an outside or surface layer.

The claimed invention distinguishes over Mientus in that the first coextruded layer is a surface layer, not the core layer disclosed in Mientus. As discussed above, Mientus no longer reads on the claims, as amended.

Claims 1, 3, 6, 43, 54-80 and 83-84 were rejected under 35 USC 102(b) over Flieger (US5789048). The rejection is traversed.

Flieger discloses a *consumable* package for use in *melt-processing operation* that comprises a container and a melt-processable product such as polymers, elastomers, or additives (abstract). The container is formed from a film, having a low melting point and . . . , made from a random ionomer copolymer comprising of ethylene and 20-45wt % of an unsaturated monocarboxylic acid, being neutralized (abstract and column 2, lines 41-53). The package, such as bags (column 3, lines 31-48), can be melted.

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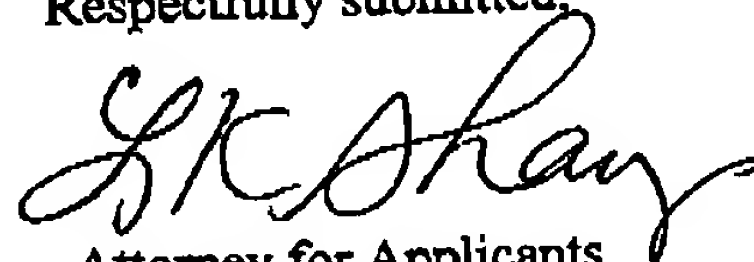
Flieger does not disclose or suggest a film comprising a first layer consisting essentially of either an ionomer or an ionomer and an additive and a second layer consisting of ionomer and ionomer-polyamide blend or consisting of ionomer, ionomer-polyamide blend, and an additive.

For example, as the examiner noted on page 4 of the Office Action, Flieger discloses how to produce the film, the properties of the film, and coextruded layers including a black inner layer for ultra-violet light protection, a white middle layer for appearance, and a *clear outer layer for printability and tackiness* (column 3, lines 1-5; *italics applicants'*).

Tacky, according to Webster's, means "somewhat adhesive; sticky". It appears that the outer layer is not made from an ionomer, because an ionomer, such as Surlyn<sup>®</sup>, layer is not known to be tacky.

Therefore, Flieger does not anticipate the claimed invention.

Respectfully submitted,



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